(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 2670 / 2001

Petitioner : Ku. Harinder Kaur Gill
D/o late Harduman Singh Gill
aged about 34 years, R/o Tatibandh
Raipur, Distt. Raipur (C.G.)

V/s

Respondents : 1) The state of Chhattisgarh
through the Secretary Home
Department Raipur (C.G.)

P.R. No. 2670
Presented by Shri H. Keshervani
Dated

2) Director General of Police,
Govt. of Chhattisgarh, Raipur.

3) Superintendent of police, Durg
(C.G.)

4) Station House Officer, police
station Bhilai, P.S. Bhilai-3
Distt. Durg (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT.

XI-HC-22

(22)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 2670 सन् 2001

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	20.05.2002 Smt. Renu Kochar, counsel for the petitioner. Shri Goutam Bhaduri, G.A. for the respondents. By this petition, the petitioner is praying for holding of an enquiry regarding the death of brother of the petitioner. The brother of the petitioner is said to have died in the suspicious circumstances on the intervening night of 25th-26th August, 2001. It is stated by the counsel for the petitioner that the post-mortem was done on the body of the deceased but no report thereof has not yet been submitted. It is prayed by the counsel for the petitioner that investigation regarding death of the brother of the petitioner be got done by an independent agency as the police has not taken any keen interest. Counsel for the petitioner further submitted that petitioner's brother was a healthy man and was not suffering from any disease and at the time of incident he was slept without taking meal. It is also submitted that the matter was reported to police and the dead body was sent for post-mortem and after the	

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 2670 सन् 2001

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

post-mortem the Doctor has not given any definite opinion regarding cause of death, which raises doubt about his death.

Counsel for the petitioner relied on a judgment reported in A.I.R. 2001 SC 2113 **(Mohindro Vs. State of Punjab and others** to the effect that where the applicant has approached the police for investigation and for registering the case. The police ought to have registered the case and should have made proper investigation into the matter.

On the facts as brought out on record, it transpires that the police was approached. Autopsy was conducted but the proper investigation has not yet been done.

Taking into consideration the submission made by the counsel for the parties and in the facts and circumstances of the case, this Court is of the view that it would be just and proper and also in the interest of justice to issue a suitable direction to the respondents to register the case and get the same duly investigated and proper enquiry be made regarding the cause of death and the allegations made by the petitioner, by a responsible officer not below the rank of Deputy Superintendent of Police, to

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 2670 सन् / 2001

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

be deputed by C.I.D. The investigation shall be conducted and the report shall be submitted as early as possible preferably within 2 months from the date of production of certified copy of this order.

A copy of the investigation report shall be submitted to Inspector-General concerned and Additional Registrar (Judicial) of this Court.

Counsel for the petitioner also prays that during the period of enquiry due security may be provided to the petitioner and his family members.

The Superintendent of Police would look into the matter that due security be provided to the petitioner and his family members.

Subject to the observations and directions made above, this petition stands disposed of.

Sd/-
Fakhruddin
Judge

Anjani